

Justice Department Decides Against Prosecution

By JOHN M. CREWASON

Special to The New York Times

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The decision, made yesterday by Richard Thornburgh, who heads the department's Criminal Division, was disclosed today by James B. Adams, an official of the Federal Bureau of Investigation.

Mr. Adams provided a House subcommittee with a copy of a letter from Harold Tyler, the Deputy Attorney General, to Clarence M. Kelley, the F.B.I. Director, that noted that the five-year statute of limitations on crimes that may have attended the letter's destruction had expired.

Mr. Tyler said in the letter that, although it was technically possible to pursue a prosecution under Federal perjury statutes in cases where some past and present F.B.I. agents had made conflicting statements under oath about their roles in the destruction of the letter, Mr. Thornburgh had decided against such a move.

Jury Presentation Barred

Justice officials said today that Mr. Thornburgh's decision also precluded any possibility that the tangled record of assertions and denials compiled by F.B.I. investigators looking into the bizarre affair would be given to a Federal grand jury for further study.

But Mr. Adams, the bureau's deputy associate director, told the subcommittee that the destruction of the letter constituted a violation of the F.B.I.'s internal regulations and that administrative action against some of those allegedly involved was under consideration.

The chief confusion, Mr. Adams testified, involved attempts by the bureau to fix responsibility for the destruction of the note, which did not men-

tion Mr. Kennedy but contained vague threats against the F.B.I. and local authorities in Dallas.

The New York Times reported last month that, according to a source familiar with events in the F.B.I. in the wake of the assassination, the decision to destroy the Oswald letter had been made by high bureau officials, probably including J. Edgar Hoover, the last director.

But Mr. Adams said today that the internal inquiry into the matter, which is now complete, had not established that anyone except James P. Hosty Jr., the agent to whom the threatening letter was addressed, had any knowledge of its destruction.

In his testimony before the House Judiciary Committee's subcommittee on civil and con-

stitutional rights, Mr. Adams provided an account of the events involving Mr. Oswald and the F.B.I. during November, 1963, that, he said, had been gleaned from nearly 80 interviews, many of them under oath with individuals "who logically might be able to shed light on this matter."

The subcommittee, headed by Representative Don Edwards, a California Democrat and a former F.B.I. agent, is looking into the bureau's relationship with the Warren Commission, which was set up by President Johnson to investigate the Kennedy assassination and was never told of the existence of the Oswald letter.

According to Mr. Adams, some days before the assassination on Nov. 22 Oswald left with the receptionist at the

Dallas F.B.I. office a note addressed to Mr. Hosty. The receptionist, he said, recalled that the note contained a threat to "blow up the F.B.I. and the Dallas Police Department" if the agent did not stop trying to interview Oswald's Russian-born wife, Marina.

Oswald was then under investigation by the F.B.I. because of his travels to the Soviet Union in 1959 and his renunciation of his American citizenship during the two years he lived there.

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The assistant head of the Dallas office has denied any knowledge of the matter, Mr. Adams said, as have other employees to whom the receptionist said she had shown the letter.

Mr. Hosty recalled having eventually received the note, but denied that it had contained any threats or violent language. He told bureau investigators that he had simply placed it in his "workbox," where, Mr. Adams said, "it continued to reside on the day of the assassination."

In his F.B.I. interview, Mr. Hosty asserted that a few hours after the assassination J. Gordon Shanklin, the head of the Dallas office, and another offi-

cial confronted him with the letter and asked him to explain its contents.

Mr. Hosty maintained that Mr. Shanklin, who recently retired from the F.B.I. and now practices law in Dallas, had directed him to prepare a memorandum describing his effort to interview Marina Oswald, which he did.

About two hours after Oswald was shot and killed by Jack Ruby on Nov. 24, Mr. Hosty told the investigators, he was instructed by Mr. Shanklin to destroy both the Oswald note and the memorandum. He said that he had done so.

Mr. Shanklin, Mr. Adams said, has denied to bureau officials any knowledge of Oswald's visit to the Dallas office or of the note and "maintains that he did not issue any orders to destroy the note."

While the principal conflict over what happened to the Oswald letter appears to involve the testimony of Mr. Shanklin and Mr. Hosty, who is now with the F.B.I. office in Kansas City, Mo., the investigators uncovered other contradictions involving the source of the destruction order and the knowledge and involvement of F.B.I. executives in Washington.

According to Mr. Adams's testimony, one F.B.I. employee stated that she heard from "an unrecalled source" that a meeting was held to decide the disposition of the Oswald note and was attended by an F.B.I. inspector "from Washington." The unnamed inspector "mequivocally denied" having any knowledge of the matter, Mr. Adams said.

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